

AMENDED IN ASSEMBLY APRIL 13, 1998
AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2397

Introduced by Assembly Member Bowen

February 20, 1998

~~An act to add Section 21080.27 to the Public Resources Code, relating to~~ *An act to amend Section 21066 of, and to add Section 21006 to, the Public Resources Code, relating to environmental quality.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2397, as amended, Bowen. Environmental quality waste disposal facilities.

(1) Existing law, the California Environmental Quality Act, requires a public lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act. *For purposes of the act, a "person" is defined to include any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies or political subdivisions of those entities.*

This bill would additionally include within that definition of “person” for purposes of the act, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions.

~~This bill would specify that the act applies to any project that requires the issuance of a permit, license, certificate, or other entitlement by a lead agency for specified activities undertaken pursuant to the federal Resource Conservation and Recovery Act of 1976 or the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The bill would impose a state-mandated local program by imposing new duties on local agencies with respect to determining whether specified projects would be covered by the act.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 21080.27 is added to the Public~~
- 2 ~~Resources Code to read:~~
- 3 ~~21080.27. Notwithstanding any other provision of law,~~
- 4 ~~this division applies to any project that requires the~~
- 5 ~~issuance of a permit, license, certificate, or other~~
- 6 ~~entitlement by a lead agency for activities undertaken~~
- 7 ~~pursuant to provisions of the federal Resource~~
- 8 ~~Conservation and Recovery Act of 1976 (42 U.S.C. Sec.~~
- 9 ~~6901 and following) or the federal Comprehensive~~
- 10 ~~Environmental Response, Compensation, and Liability~~
- 11 ~~Act of 1980 (42 U.S.C. Sec. 9601 and following).~~
- 12 ~~SEC. 2.—~~
- 13 ~~SECTION 1. Section 21006 is added to the Public~~
- 14 ~~Resources Code, to read:~~

1 21006. *The Legislature finds and declares that this*
2 *division is an integral part of any public agency's*
3 *decisionmaking process regarding permits, licenses,*
4 *certificates, or other entitlements, including, but not*
5 *limited to, those permits, licenses, certificates, or other*
6 *entitlements required for activities undertaken pursuant*
7 *to federal statutes containing specific waivers of*
8 *sovereign immunity.*

9 *SEC. 2. Section 21066 of the Public Resources Code is*
10 *amended to read:*

11 21066. "Person" includes any person, firm,
12 association, organization, partnership, business, trust,
13 corporation, limited liability company, company, district,
14 county, city and county, city, town, the state, and any of
15 the agencies and political subdivisions of ~~such~~ *those*
16 *entities, and, to the extent permitted by federal law, the*
17 *United States, or any of its agencies or political*
18 *subdivisions.*

19 *SEC. 3. No reimbursement is required by this act*
20 *pursuant to Section 6 of Article XIII B of the California*
21 *Constitution because a local agency or school district has*
22 *the authority to levy service charges, fees, or assessments*
23 *sufficient to pay for the program or level of service*
24 *mandated by this act, within the meaning of Section 17556*
25 *of the Government Code.*

26 *Notwithstanding Section 17580 of the Government*
27 *Code, unless otherwise specified, the provisions of this act*
28 *shall become operative on the same date that the act*
29 *takes effect pursuant to the California Constitution.*